

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	Case No. 17-42307
	§	
STEVEN LEE STRUCK	§	
LEANNE POARCH STRUCK	§	
	§	
Debtors	§	Chapter 13

ORDER SUSTAINING DEBTORS' OBJECTION TO PROOF OF CLAIM #3 FILED BY
RUSHMORE LOAN MANAGEMENT SERVICES

CAME ON BEFORE THE COURT Debtor's Objection to Proof of Claim NO.3 filed by (the "Claimant") on or about 01/04/2018 in the amount of \$97,989.73. The Debtors filed such objection on 11/27/2018. The Court finds that the objection to claim contains proof sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P.3001(f) and was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure. The Court further finds that the objection contained the appropriate twenty (20)-day negative notice language, pursuant to LBR 9007, which directed the Claimant to file a written response within twenty days of the objection to claim would be deemed by the Court to be unopposed. Due to the failure of the Claimant to file a timely written response to the objection, the Court deems the Debtors' claim objection to be unopposed and, therefore, the Court finds that just cause exists for the entry of the following order. It is, therefore,

ORDERED that the Debtor's Objection to the Proof of Claim Claim filed by Claimant is SUSTAINED and that claim #3 filed by **Rushmore Loan Management Services** is hereby disallowed as it pertains to the interest rate for mortgage arrears at 5.50% and instead will be set at 0% percent for the life of the Chapter 13 Plan.

Dated: _____

HONORABLE JUDGE BRENDA T. RHOADES